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14 Attorneys for Plaintiffs Loretta Downs and  
 D'Andre Parker and all others similarly situated

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN FRANCISCO DIVISION  
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20 LORETTA DOWNS and D'ANDRE PARKER,  
 21 individually and on behalf of all others similarly  
 22 situated,

23 Plaintiffs,

24 vs.

25 U.S. FOODSERVICE, INC.,

26 Defendant.  
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Case No.: 10-2163 EMC

**JOINT STIPULATION AND ORDER  
 RESETTING CASE MANAGEMENT  
 CONFERENCE FROM JANUARY 21, 2011  
 TO FEBRUARY 23, 2011; [PROPOSED]  
 ORDER**

1 IT IS STIPULATED, THROUGH COUNSEL OF RECORD:

2 Plaintiffs, Loretta Downs and D'Andre Parker (collectively "Plaintiffs"), and Defendant U.S.  
3 Foodservice, Inc. ("Defendant" or "U.S. Foodservice") by and through their undersigned attorneys of  
4 record, hereby stipulate as follows:

5 WHEREAS, the Court has set a continued Case Management Conference for January 21, 2011  
6 at 10:30 a.m.;

7 WHEREAS, one of the principal purposes of that Case Management Conference is to report to  
8 the Court on the status of the parties' discussions regarding limited discovery including the use of data  
9 and records for a representative sample of class members;

10 WHEREAS, the attorneys for the parties have held, and are continuing to engage in,  
11 cooperative and productive discussions concerning the precise means of drawing a representative  
12 sample of class members for the limited discovery, but the parties' discussions have not yet concluded  
13 due to certain delays in data and document retrieval and due to holiday travel and vacation schedules;

14 WHEREAS, the requested continuance would permit the parties to complete their discussions  
15 and present to the Court an agreed-upon plan for limited discovery, including use of a representative  
16 sample of class members;

17 WHEREAS, the Court's first regularly scheduled CMC calendar date after January 26, 2011 on  
18 which both sides' counsel can attend a CMC consistent with their other litigation commitments is  
19 February 23, 2011; and

20 WHEREAS, the requested continuance will not delay the completion of discovery, on which  
21 the parties continue to work diligently and cooperatively;

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1 NOW, THEREFORE, the parties hereby and agree that the current Case Management  
2 Conference date of January 21, 2011 should be rescheduled to February 23, 2011 at 2:30 p.m.

3 It is so Stipulated and Agreed by:

4 Date: Jan. 6, 2011

GOLDSTEIN, DEMCHAK, BALLER, BORGEN  
& DARDARIAN

5 By: Morris J. Baller  
6 Morris J. Baller  
7 Counsel for Plaintiffs

8  
9 Date: \_\_\_\_\_

WINSTON & STRAWN, LLP

10 By: \_\_\_\_\_  
11 Counsel for Defendant  
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~~[PROPOSED]~~ **ORDER**

GOOD CAUSE having been shown, the Court hereby vacates the Case Management and the status hearing on Defendant's motion to stay and status Conference date of January 21, 2011 and resets the Case Management Conference for February 23, 2011, at 10:30 a.m. The Joint CMC Statement shall be filed by February 16, 2011. Which statement shall include a joint proposed discovery plan.

Dated: January 7, 2011

